

DA 93-78

***1** IN THE MATTER OF THE APPLICATION OF
COMMUNICATIONS SATELLITE CORPORATION
FOR AUTHORITY PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS
AMENDED, TO PROVIDE SATELLITE SERVICES BETWEEN THE UNITED STATES AND CUBA

File No. I-T-C-92-141

Adopted: January 21, 1993; Released: February 1, 1993

****722** MEMORANDUM, OPINION, ORDER AND AUTHORIZATION

By the Chief, Common Carrier Bureau:

1. On April 1, 1992, the Communications Satellite Corporation (Comsat), through its World Systems Division, filed an application pursuant to Section 214 of the Communications Act of 1934, as amended, for authority to provide space segment services for occasional use television channels and associated control and coordination circuits via the INTELSAT system to U.S. carriers and other authorized users on an as-needed basis for international communications between the United States and Cuba. On April 9, 1992, Comsat filed a letter clarifying that it requested limited authority to provide space segment services for occasional use television service for the following types of events:

a) for all transactions incident to the use of satellite channels for the transmission of television news and news programs originating in Cuba by United States news organizations (31 CFR § 515.42(b)); and

b) for sports events originating either in the United States or Cuba for which specific licenses are issued on a case-by-case basis by the Treasury Department, acting pursuant to the Cuban Assets Control Regulations (31 CFR § 515.42(c)).

The application was placed on public notice on April 8, 1992, and no oppositions were received.

2. Comsat explains that during the past four years, it has filed approximately 43 requests, including supplements and amendments, for special temporary authority (STA) to provide service to carriers transmitting news and sports events either into or out of Cuba. [FN1] It states that many of these requests are time sensitive and require expedited action. Comsat further states that none of its requests has ever been denied. In the instant application, therefore, Comsat requests limited blanket authority to provide these specific space segment services on an ongoing basis.

3. In support, Comsat states that the STA procedure is burdensome, and that it does not actually "go into" Cuba with any equipment or service. Comsat only provides space segment from the U.S. to an INTELSAT Atlantic Ocean Region satellite typically located at 325.5 or 335.5 degrees East Longitude (E.L.); the Cuban PTT provides space segment from the Caribe earth station or transportable earth stations in Cuba to the corresponding satellite. Moreover, Comsat maintains that it

(Cite as: 1993 WL 756122 (F.C.C.), 8 FCC Rcd. 722)

is not involved in the settlement process, and therefore makes no payments to Cuba, whether to blocked accounts or otherwise. [FN2] Finally, Comsat argues that it does not provide any technology or financing to Cuba.

4. We conclude that it will be in the public interest to grant Comsat authority to provide space segment service for occasional use television channels and associated control and coordination circuits via the INTELSAT system to U.S. carriers and other authorized users on an as-needed basis for international communications between the United States and Cuba for news and sports events in accordance with 31 C.F.R. § 515.42(b) and § 515.42(c). Grant of this application will serve the public interest, convenience and necessity by allowing Comsat to provide U.S.-Cuba occasional use television service without unnecessary delays and without repeated STA filings involving burdensome, redundant and costly paperwork.

*2 5. Accordingly, IT IS ORDERED, pursuant to Section 214 of the Communications Act of 1934, as amended, [47 U.S.C. § 214](#), that the application of Communications Satellite Corporation, File No. I-T-C-92-141, IS GRANTED and Comsat is authorized to provide space segment services for occasional use television channels and associated control and coordination circuits via the INTELSAT system to U.S. carriers and other authorized users on an as-needed basis for international communications between the United States and Cuba for the following types of events:

a) for all transactions incident to the use of satellite channels for the transmission of television news and news programs originating in Cuba by United States news organizations (31 CFR § 515.42(b)); and

b) for sports events originating either in the United States or Cuba for which specific licenses are issued on a case-by-case basis by the Treasury Department, acting pursuant to the Cuban Assets Control Regulations (31 CFR § 515.42(c)).

6. IT IS FURTHER ORDERED that Comsat, U.S. carriers and other authorized users shall comply with the Department of the Treasury's Office of Foreign Assets Control regulations.

**723 7. IT IS FURTHER ORDERED, pursuant to Section 203 of the Communications Act, [47 U.S.C. § 203](#), and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, that Comsat shall file and have in effect a tariff for the service authorized in this order before offering services to the public.

8. This order is issued under Section 0.291 of the Commission's Rules and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's Rules may be filed within 30 days of public notice of this order (see Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION
Cheryl A. Tritt

Chief, Common Carrier Bureau

FN1. Comsat states that the transmission of news programming has blanket approval under current Cuban Assets Control Regulations. Furthermore, we have been informed by the State Department that grant of this application would not conflict with U.S. policy. See letter from Vicki J. Huddleston, Coordinator for Cuban Affairs, United States Department of State, to Linda Trochim, Common Carrier

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Bureau, dated November 24, 1992.

FN2. Comsat is not the final service provider. Other carriers will provide service under previously granted authority that authorizes them to provide video service to all points served by Comsat. Thus, these other carriers will need no additional authorization to provide video services to Cuba. Such carriers remain subject to all applicable regulations of the Treasury Department pertaining to payments to Cuba.

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